

**REMARKS**

By this amendment, claim 5 has been amended. Claims 1-29 are currently pending in the present application. Claims 1-21 and 26-29 stand rejected. Claims 22-25 were previously withdrawn.

**CLAIM REJECTIONS – 35 U.S.C. § 112**

Claims 5 and 6 are rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Applicant respectfully disagrees with this rejection. On page 2 of the Office Action, it is alleged that the Applicant was trying to claim all conducting devices. The Applicant respectfully disagrees. Rather, claims 5 and 6 clearly set forth what conducting devices are being claimed, for example, those that are provided in the floor module and are adapted such that they can lead to similar conducting devices in an adjacent floor module.

The Applicant believes this provides sufficient limitations on the conduits being claimed as renders them definite. Furthermore, to forward prosecution the Applicant has amended claim 5 to contain the words conduits rather than conducting devices. In view of this amendment, the Applicant respectfully request that the rejections under 35 U.S.C. § 112 be removed.

**CLAIM REJECTIONS – 35 U.S.C. § 102**

Claims 1, 2, 13, 18, 21, 26, 28 and 29 are rejected under 35 U.S.C. § 102(b) as being anticipated by Diamler Benz Aerospace Airbus (EP 0681956). The Applicant respectfully disagrees.

A § 102 rejection is proper only if each and every element as set forth in the claim is found-i.e., the prior art must teach every aspect of the claim. See *Verdegall Bros. v. Oil Co., of California*. 918 F.2d 628,631 (Fed. Cir. 1987; see also MPEP § 2131).

The Applicant respectfully asserts, that independent claims 1, 26, 27 and 28 and their corresponding dependent claims do not teach or suggest all the aspects of the claims. For example, independent claim 1 recites a floor for a cargo compartment of an aircraft including among other things “a prefabricated floor module” a careful reading of claim 1 will yield that the prefabricated floor module includes “at least one floor beam.”

The Applicant respectfully asserts this feature of claim 1 is not found in EP 0681956. Rather, in EP 0681956 as shown in the Figures, specifically Figure 1, floor beams i.e. items 2 and 8 are not part of any prefabricated floor module. Rather EP 0681956 describes a passenger aircraft with a lower deck 3 which can be used as a freight deck or as a passenger deck. For this passenger deck, items 15-15' can be arranged in the lower deck 3 instead of freight containers 4-4', see for example column 4, lines 31-38 in FIGS. 1 and 2 and column 5, lines 55 to column 6, line 2 of the corresponding U.S. Patent. The floor structure 2 of the lower deck 3 includes several lengthwise beams or girders, on which freight loading elements such as roller sets 7a-7f are mounted. The lengthwise girders 6a-6f in a crosswise girders 8 together form a

grid-like framework. The crosswise girders serve to brace or support freight compartment floor 2 and are connected with lengthwise girders 6a-6f at intersections points 9. Support structure 10 is made up of support members 11 supports the floor framework and connects it to the fuselage belly, see column 3 lines 10-27, column 4, lines 29-46 of the corresponding U.S. Patent.

It appears in the Office Action that the Examiner views the floor elements of the EP patent with lengthwise girders 6c and 6f and a floor beam which is identified with the floor 2 and the cross wise girders 8, wherein, the floor beam is connected to the aircraft fuselage at three points. According to the arguments set forth in the Office Action, first of the three points is the point where element 11 is connected to the lower portion in the aircraft. The floor module that is connected with the floor beam forms an allegedly prefabricated module adapted for insulation in the aircraft. To this view, the Applicants respectfully disagree.

The undersigned does not read or understand German in which the EP patent is written. No translation was provided by the Examiner. However, after reviewing the FIGS, the corresponding U.S. patent and consulting with the Applicant's Foreign counsel, the undersigned makes the following arguments. According to the Applicants understanding the EP patent does not describe prefabricated floor modules. Rather, in EP patent the floor 2 of the lower deck is including the crosswise girders is firmly and permanently mounted in the aircraft fuselage 1 and connected with the fuselage 1. The EP patent does not describe specifically how the floor 2 or the lengthwise 6c, 6f and the crosswise girders 8 of the lower deck are formed and are connected with the aircraft fuselage. Rather, the EP patent only describes that the passenger modules 15,15' can

be arranged in the lower deck instead of freight containers, see column 4, lines 31-38 and column 5, lines 55-60 of the corresponding US Patent. The floor itself, i.e., the support structure 10 as well as the lengthwise girder 6a-6f and the crosswise girder 8 remains unchanged at all times. According to the Applicant's understanding the lengthwise and crosswise girders as well as the support structure elements do not form a prefabricated floor module adapted for insulation in a aircraft but only form a non-module aircraft for passenger models 15-15' can be installed permanently on a mounted floor. Thus, the floor module 15,15' do not represent prefabricated floor modules. As such, the EP patent does not disclose prefabricated floor modules as set forth in claim 1.

Applicant notes that similar language regarding a floor module is also found in the other independent claims 26, 27 and 28. Therefore, the Applicant respectfully asserts that independent claim 1 as well as dependent claims 2, 13, 18, 21 and independent claims 26, 28 and 29 are patentable over EP patent for at least the reasons set forth above. Thus, the Applicant respectfully request that the rejections under 35 U.S.C. § 102 of these claims be removed.

### **CLAIM REJECTIONS – 35 U.S.C. § 103**

Claims 1-3, 13, 14-15, 20 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Baldwin (US 3,612,316) in view of Bergholz (US 4,479,621), Micale (US 5,806,797) and/or Powell (US 2004/0237439). Claims 4-7, 12, 18 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Baldwin (US 3,612,316) as modified by Micale (US 5,806,797) and/or Powell (US 2004/0237439) as applied to

claim 1 above, and further in view of Owen (US 6,061,982). Claims 8 and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Baldwin (US 3,612,316) as modified by Bergholz (US 4,479,621), Micale (US 5,806,797) and/or Powell (US 2004/0237439) as applied to claim 1 above, and further in view of Telair (International DE19712278). Claims 10 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Baldwin (US 3,612,316) as modified by Bergholz (US 4,479,621), Micale (US 5,806,797) and/or Powell (US 2004/0237439) as applied to claim 1 above, and further in view of Tovani (US 5,827,022). Claims 16 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Baldwin (US 3,612,316) as modified by Bergholz (US 4,479,621), Micale (US 5,806,797) and/or Powell (US 2004/0237439) as applied to claim 1 above, and further in view of Nordstrom (US 7,410,128). Claim 26, 28 and 29 is rejected under 35 U.S.C. §103(a) as being unpatentable over Bergholz (US 4,479,621) in view of Huber (US 6,517,028). Claim 27 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergholz (US 4,479,621) in view of Owen (6,061,982) and Huber (US 6,517,028). The Applicant respectfully traverses these rejections.

According to the new Examination Guidelines for Determining Obviousness under 35 U.S.C. § 103 in view of the Supreme Court decision of *KSR International, Co. v. Teleflex, Inc.* it is stated that the proper analysis for a determination of obviousness is whether the claimed invention would have been obvious to one of ordinary skill in the art after consideration of all the facts. The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reasons why the claimed invention would have been obvious. An Office Action must explain why the differences between the prior art and

the claimed invention would have been obvious to one of ordinary skill in the art. See 72 Fed. Reg. 57526, 57528-529 (Oct. 10, 2007).

The Applicant respectfully asserts the cited references whether taken separately or in combination, do not teach, suggest or otherwise render obvious all the features set forth in the claims.

For example, independent claim 1 recites a floor for a cargo compartment of an aircraft including among other a “floor beam [that] is configured and adapted for connection to said skin of the aircraft at at least three different points of the floor beam: at a first point along a longitudinally bisecting vertical plane that extends through the lower most and upper most portions of the aircrafts skin.” For example, as can be seen in FIG. 1 of the present application, the beam 16 connects at a point at the bottom of the beam at about the center of the beam at this point is a long a plane that longitudinally bisects the fuselage, this plane also intersects through the upper most and lower most portions of the fuselage skin. This connection point goes up the center bottom portion.

In contrast, none of the cited references show a beam that connects to this point. Rather, the center portion of the fuselage is not a connection point but rather the beams are connected at either side of this point but never along it.

For at least these reasons, the Applicant respectfully asserts that none of the cited references whether taken separately or in combination teach, suggest or otherwise render obvious the above quoted portion of independent claim 1. Therefore, they also do not render obvious dependent claims 2-3, 13-15, 20 and 21. As none of the references show this, whether separately or taken in combination therefore a *prima*

*facie* case of obviousness has not been made and the Applicant respectfully request that the rejections under 35 U.S.C. § 103 be removed.

### CONCLUSION

The Amendment is believed to overcome the pending rejections. No new matter is added and no new issues are believed to be raised.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is hereby solicited. Any additional fee believed necessary for the consideration of this response is hereby authorized to be charged to Deposit Account No. 50-2036 with regards to Docket No. 59482.21820.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned attorney at (202) 861-1655.

Respectfully submitted,

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